

Attorney Docket: 07866.0014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Applicant: Host Hotels & Resorts, L.P.
Serial Number: 76658473
Filing Date: April 14, 2006

TTAB

Mark:



Examining Atty: William Rossman, Esq.
Law Office: 109

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF APPEAL

Applicant hereby appeals to the Trademark Trial and Appeal Board from the decision of the Examining Attorney dated January 30, 2007 refusing registration of the above-identified mark.

The required appeal fee of \$100 is enclosed. If the fee is found to be insufficient

for any reason, please charge the deficiency to Deposit Account No. 06-0916.

08/02/2007 SMILSON 00000060 76658473

01 FC:6403

100.00 09

Respectfully submitted,

HOST HOTELS & RESORTS, L.P.

Date: July 30, 2007

By: 

David M. Kelly
Linda K. McLeod
Finnegan Henderson Farabow
Garrett & Dunner, L.L.P.
901 New York Avenue, NW
Washington, DC 20001
202-408-4000

Attorneys for Applicant



07-30-2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Host Hotels & Resorts, L.P.
Serial Number: 76658473
Filing Date: April 14, 2006

Mark: The logo for Host Hotels & Resorts, featuring a stylized 'H' icon above the word 'HOST' in a bold, sans-serif font, with 'HOTELS & RESORTS' in a smaller font below it.

Examining Atty: William Rossman, Esq.
Law Office: 109

COMMISSIONER FOR TRADEMARKS
P.O. Box 1451
Alexandria, Virginia 22313-1451

REQUEST FOR RECONSIDERATION

Applicant submits the following remarks in response to the Final Office Action dated January 30, 2007.

REMARKS

The Examining Attorney has issued a final refusal to register Applicant's mark HOST HOTELS & RESORTS and Design for "real estate investment trust services; investment services, namely asset management services" under Section 2(d), 15 U.S.C. § 1052(d), on the ground that Applicant's mark is confusingly similar to the mark ROYAL HOST for hotel, motel, and resort management; real estate time sharing and real estate investment services; and hotels, motels, and hotel resorts, among other services shown in Registration No. 2528862.

For the reasons discussed below, Applicant respectfully requests reconsideration and withdrawal of the refusal of registration.

A. There is No Likelihood of Confusion


A likelihood of confusion determination under Section 2(d) is based on an analysis of all of the probative facts in evidence that are relevant to the thirteen factors set forth in *In re E.I. Du Pont DeNemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (CCPA 1973). The Examining Attorney need not consider all factors, but may consider those factors that are most relevant to the case at hand. *In re Dixie Restaurants, Inc.*, 105 F.3d 1405, 1406, 41 USPQ2d 1531, 1533 (Fed. Cir. 1997); *Kimberly-Clark Corp. v. H. Douglas Enterprises, Ltd.*, 774 F.2d 1144, 1146, 227 USPQ 541, 542 (Fed. Cir. 1985).

The relevant *DuPont* factors in this case are: (1) the number and nature of third-party uses of HOST names and marks in connection with service identical or closely related to those of the cited Registrant, (2) the dissimilarities between the marks in overall sound, appearance, meaning, and commercial impression, (3) the absence of evidence of actual confusion, and (4) other evidence bearing on no likelihood of confusion, including the Canadian Intellectual Property Office Trade-Marks Office's allowance of Applicant's mark over the cited Registrant's mark and Applicant's use of HOST in its trade name and trademark for many years without any confusion in the marketplace. When the relevant *Du Pont* factors are considered in relation to Applicant's HOST HOTELS & RESORTS and Design mark, each factor weighs in favor of allowing Applicant's mark to register.

1. The Cited Mark is Weak and Entitled to Narrow Scope of Protection

There are numerous third-party uses and registrations of HOST-formative for services related to those in the cited registration that demonstrate the cited mark is

weak, and thus entitled to only a narrow scope of protection limited to the identical or virtually identical marks for the same or substantially identical services. See *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 189 USPQ 693 (CCPA 1976); 3 J. T. McCarthy, *McCarthy on Trademarks and Unfair Competition*, § 11:88 (4th ed. 2000). A representative sample of such third-party registrations and allowed application are shown below and printouts of from the PTO TESS/TARR database are attached as Exhibit A:

Mark	Serial No./ Registration No.	Filing Date/ Issue Date	First Used	Services
TRAVEL HOST	1357350	08-27-1985	06-1974	Motel services Class 42
THE FRIENDLY HOST	1591404	04-10-1990	10-03-1988	Hotel, motel, and resort services Class 42
BUDGET HOST & Design	1544937	06-20-1989	12-1984	Motel services in Class 42
AMERIHOTEL INN	1650427	07-09-1991	11-04-1989	Hotel and motel services Class
	3245447	05-22-2007	10-12-2005	Electronic hotel guest services directory, namely providing online information, including customer specific information to meet individual needs, namely food room service information in Classes 39, 41, 42, and 43 Hotel concierge services for others rendered through an electronic directory, namely, providing customer specific information to meet individual needs in Class 45
HOST OF THE COAST	78431942	06-08-2004 (Allowed)	2000	Hotel services and restaurant services in class 43 Social club services in class 45

In addition to these third-party allowed applications and registrations, there are a number of third-party HOST-formative marks co-existing in the marketplace for services related to those of the cited registrant. A representative sample of such third-party uses are shown below and printouts from the Internet are attached as Exhibit B:

- **"Lodging Host Hotel Corp...**Lodging Host provides owners and investors financial performance, quality assurance, and peace of mind."
www.lodginghost.com
- **"Pacifica Host Hotels...**offering a range of different branded hotels."
www.pacifichost.com.
- **"Sturbridge Host Hotel and Conference Centers."**
www.stubridgehosthotel.com
- **"Atlantic Host Inn."** www.travel.yahoo.com
- **"Vista Host."** www.vistahost.com
- **"Budget Host Raton."** www.orbitz.com
- **"Budget Host Diplomat."** www.travel.yahoo.com
- **"America Host Hotel."** www.onlinehotels.com
- **"Master Host Hotel."** www.virtualltourist.com
- **"Lancaster Host Hotel."** www.cheaptickets.com

This evidence demonstrates the suggestiveness of the term HOST in cited mark in relation to the Registrant's identified services. See *Sweats Fashions Inc. v. Pannill Knitting Co.*, 4 USPQ2d 1793 (Fed. Cir. 1987). Further, the dictionary definition of HOST to mean "one that provides facilities...." (*Merriam-Webster's Online Dictionary*) and "the landlord of an inn" (*Dictionary.com*) also evidences the suggestiveness of this term in connection with the Registrant's services. See Representative Dictionary Definitions Attached as Exhibit C.

It is well settled that the common presence of such a suggestive term in the marks is insufficient to support a finding of likelihood of confusion. *Tektronix*, 189 USPQ at 694 (CCPA 1976); see also *In re Hamilton Bank*, 222 USPQ 174, 177 (TTAB 1984) (stating that "the mere inclusion of the [weak] term 'KEY' may not be a proper

basis upon which to assert that confusion is likely" between the marks BANKEY and KEY for banking services).

This evidence demonstrates that consumers have been educated to distinguish between many different HOST-formative marks on the basis of minor distinctions between the marks. J. T. McCarthy, *McCarthy on Trademarks and Unfair Competition*, at § 11:88. It also demonstrates that the PTO has consistently allowed these marks to coexist on the register with slight variations in the marks and/or the underlying services. Indeed, the PTO allowed the cited registration to issue notwithstanding several other HOST-formative marks covering the identical or closely related services. Indeed, the cited registration covers both real estate investment services and hotel services. Just as the numerous registered marks noted above can coexist without a likelihood of confusion, Applicant's HOST HOTELS & RESORTS and Design mark also should be allowed to register.

2. The Marks are Dissimilar in Overall Commercial Impression

The Examining Attorney argues that the marks are similar in sound and appearance because both of them contain the term HOST. To the contrary, however, it is well-settled that marks must be compared in their entireties, and that confusion is not automatically likely merely because the marks share one word. See *In re National Data Corp.*, 753 F.2d 1056, 1060, 224 USPQ 749, 752 (Fed. Cir. 1985) ("[L]ikelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark."); *In re Bed & Breakfast Registry*, 791 F.2d 157, 159, 229 USPQ 818, 819 (Fed. Cir. 1986) (The marks must be considered in their entireties); *Packard Press, Inc. v. Hewlett-Packard Co.*, 56 USPQ2d 1351 (Fed. Cir. 2000) (holding the TTAB overemphasized the fact that the marks shared the word "PACKARD" and failed to consider the marks in their entireties); *Franklin Mint Corp. v. Master Mfg. Co.*, 667

F.2d 1005, 212 USPQ 233 (CCPA 1981) ("It is axiomatic that a mark should not be considered piecemeal, rather it must be considered as a whole in determining likelihood of confusion").

Similarly, the focus is on the recollection of the average purchaser, who normally retains a general rather than a specific impression of trademarks. *See Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106 (TTAB 1975). Thus, the Examining Attorney cannot simply ignore the additional term ROYAL in the cited Registrant's mark, and cannot ignore the other wording and prominent design element in Applicant's Mark.

As noted above, the cited mark contains suggestive terms, and thus is entitled to a narrow scope of protection extending only to identical or virtually identical marks for the same or substantively identical services. Applicant's mark HOST HOTELS & RESORTS and Design is not identical or virtually identical to the cited ROYAL HOST mark in sound and appearance. Applicant's mark is visually and aurally distinguishable from the cited marks because it begins with a different word - "HOST" - and not the term "ROYAL." Moreover, Applicant's mark contains a prominent design feature that is large in size, and thus noticeable to consumers. These differences are significant for it is the first part of the mark (in this case Registrant's ROYAL) that is often the most likely to be impressed upon the mind of a purchaser and remembered in creating a commercial impression. *Presto Products, Inc. v. Nice-Pak Products, Inc.*, 9 USPQ2d 1895 (TTAB 1988).

Moreover, the mere fact that both marks contain the terms "HOST" does not automatically result in a likelihood of confusion. As noted above, an exception to the general rule exists where the matter shared by the two marks is suggestive or commonly used or registered for services that are related to those of the cited

registrant. See TMEP 1207.01(b)(iii). See e.g., *In re Shawnee Milling Co.*, 225 USPQ 747 (TTAB 1985) (GOLDEN CRUST for flour held not likely to be confused with ADOLPH'S GOLD'N CRUST and design (with "GOLD'N CRUST" disclaimed) for coating and seasoning for food items); *In re S.D. Fabrics, Inc.*, 223 USPQ 54 (TTAB 1984) (DESIGNERS/ FABRIC for retail fabric store services held not likely to be confused with DAN RIVER DESIGNER FABRICS and design for textile fabrics); *Plus Products v. Redken Laboratories, Inc.*, 199 USPQ 111, 116-117 (TTAB 1978) (PH PLUS for facial cream and skin toner held not likely to be confused with PLUS for cosmetics); *In re Hunke & Jochheim*, 185 USPQ 188 (TTAB 1975) (HIG-DURABLE for stationery held not like to be confused with DURABLE for record books).

Further, the cited mark ROYAL HOST conveys a significantly different connotation from Applicant's mark HOST HOTELS & RESORTS and Design. The term ROYAL in the cited Registrant's mark is defined as "suitable for royalty" or "magnificent." See Merriam-Webster's Online Dictionary attached as Exhibit E. Thus, the cited mark ROYAL HOST connotes that the "host" is of royal decent or guests will be "hosted" as royalty when lodging at Registrant's hotels.

Accordingly, the differences between the mark in overall sound, appearance, and connotation are more than sufficient to avoid a likelihood of confusion in this case.

3. Applicant's HOST-Formative Marks Have Coexisted With The Cited Mark For Several Years Without Any Instances of Actual Confusion

Both the Federal Circuit and the Board recognize that the absence of actual confusion is a factor demonstrating no likelihood of confusion. See *DuPont*, 476 F.2d at 1361, 177 USPQ at 567. Here, Applicant has used the term HOST in its corporate name and trademark since 1993, well prior to the filing date of the application that

matured into the cited registration. Between October 1993 and April 2006, Applicant has continuously used the mark HOST MARRIOTT in connection with its services until it changed its name and mark to HOST HOTELS & RESORTS. Thus, the parties' marks have coexisted for many years without any instances of actual confusion.

4. Other Factors Demonstrate No Likelihood of Confusion

(i) The Canadian Intellectual Property Office Trade-Marks Office Has Allowed the Marks to Register

Finally, the Applicant's mark HOST HOTELS & RESORTS and Design has been allowed to register notwithstanding the prior registration of ROYAL HOST in Canada. There, the Canadian Trade-Marks Office withdrew its refusal of registration based on the ROYAL HOST mark, and allowed Applicant's mark for publication (to be advertised). Although the Canadian Trade-Marks Office action is not binding on the PTO, it is nonetheless persuasive evidence of no likelihood of confusion under similar legal standards and marketing conditions. See copy of Applicant's Response to the Canadian Intellectual Property Office Trade-Marks Office Action and the Trade-Marks Journal showing publication of Applicant's mark are attached as Exhibit D.

CONCLUSION

In view of the foregoing, Applicant respectfully requests that the refusals be withdrawn, and that the Application for the mark HOST HOTELS & RESORTS and Design be approved for publication.

Respectfully submitted,

HOST HOTELS & RESORTS, L.P.

Date: July 30, 2007

By: 

David M. Kelly
Linda K. McLeod
Finnegan Henderson Farabow
Garrett & Dunner, L.L.P.
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202-408-4000

Attorneys for Applicant

Applicant: Host Hotels & Resorts, L.P.
Serial Number: 76658473
Filing Date: April 14, 2006
Mark: HOST HOTELS & RESORTS

Examining Atty: William Rossman
Law Office: Law Office 109

Exhibit A



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Travel Host

Word Mark	TRAVEL HOST
Goods and Services	IC 042. US 100. G & S: MOTEL SERVICES. FIRST USE: 19740630. FIRST USE IN COMMERCE: 19740630
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	73518124
Filing Date	January 18, 1985
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	June 18, 1985
Registration Number	1357350
Registration Date	August 27, 1985
Owner	(REGISTRANT) NORKA CO. COMPOSED OF NORMAN SUTTER AND KAREN SUTTER BOTH U.S CITIZENS PARTNERSHIP WISCONSIN 3015 E. NEWBERRY APPLETON WISCONSIN 54915 (LAST LISTED OWNER) TRAVELHOST, INC. CORPORATION BY MERGER WITH TEXAS 14TH FLOOR 8080 NORTH CENTRAL EXPRESSWAY DALLAS TEXAS 75206
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	JOHN C. ANDREWS
Prior Registrations	1234592

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TRAVEL" APART FROM THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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Serial Number: 73518124 Assignment Information

Registration Number: 1357350

Mark

Travel Host

(words only): TRAVEL HOST

Standard Character claim: No

Current Status: A cancellation proceeding has been filed at the Trademark Trial and Appeal Board and is now pending.

Date of Status: 1988-01-12

Filing Date: 1985-01-18

Transformed into a National Application: No

Registration Date: 1985-08-27

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: L20 -TMEG Law Office 102

Date In Location: 2006-01-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. TRAVELHOST, INC.

Address:

TRAVELHOST, INC.
14TH FLOOR 8080 NORTH CENTRAL EXPRESSWAY
DALLAS, TX 75206
United States

Legal Entity Type: Corporation
State or Country of Incorporation: Texas

GOODS AND/OR SERVICES

International Class: 042
Class Status: Active
MOTEL SERVICES
Basis: 1(a)
First Use Date: 1974-06-30
First Use in Commerce Date: 1974-06-30

ADDITIONAL INFORMATION

Disclaimer: "TRAVEL"

Prior Registration Number(s):
1234592

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-12-08 - Case File In TICRS

2005-12-08 - Case File In TICRS

1992-02-03 - Section 8 (6-year) accepted & Section 15 acknowledged

1991-12-30 - Response received for Post Registration action

1991-10-16 - Post Registration action mailed Section 8 & 15

1991-03-18 - Section 8 (6-year) and Section 15 Filed

1990-09-04 - Section 7 request abandoned

1990-01-17 - Post Registration action mailed - Section 7

1989-06-26 - Section 7 amendment filed

1988-04-18 - Cancellation terminated for Proceeding

1988-01-12 - Cancellation dismissed for Proceeding

1987-06-22 - Cancellation Instituted No. 999999

1985-08-27 - Registered - Principal Register

1985-06-18 - Published for opposition

1985-05-17 - Notice of publication

1985-04-17 - Approved for Pub - Principal Register (Initial exam)

1985-04-11 - Examiner's amendment mailed

1985-04-05 - Non-final action mailed

1985-03-12 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

JOHN C. ANDREWS

Correspondent

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DALLAS, TX 75225



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Typed Drawing

Word Mark	THE FRIENDLY HOST
Goods and Services	IC 042. US 100 107. G & S: HOTEL, MOTEL AND HOTEL RESORT SERVICES. FIRST USE: 19881003. FIRST USE IN COMMERCE: 19881003
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73762922
Filing Date	November 10, 1988
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	May 9, 1989
Registration Number	1591404
Registration Date	April 10, 1990
Owner	(REGISTRANT) HOTEL CORPORATION OF THE PACIFIC, INC. DBA ASTON HOTELS & RESORTS CORPORATION HAWAII WAIKIKI TRADE CENTER, 18TH FLOOR 2255 KUHIO AVENUE HONOLULU HAWAII 968152658 (LAST LISTED OWNER) CENDANT FINANCE HOLDING COMPANY LLC LTD LIAB CO DELAWARE 1 CAMPUS DRIVE PARSIPPANY NEW JERSEY 07054
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Susan L. Crane
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Renewal	1ST RENEWAL 20001016
Live/Dead Indicator	LIVE

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Serial Number: 73762922 Assignment Information

Registration Number: 1591404

Mark (words only): THE FRIENDLY HOST

Standard Character claim: No

Current Status: Registered.

Date of Status: 2000-10-16

Filing Date: 1988-11-10

Transformed into a National Application: No

Registration Date: 1990-04-10

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

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Current Location: 900 -File Repository (Franconia)

Date In Location: 2001-01-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CENDANT FINANCE HOLDING COMPANY LLC

Address:

CENDANT FINANCE HOLDING COMPANY LLC

1 CAMPUS DRIVE

PARSIPPANY, NJ 07054

United States

Legal Entity Type: Ltd Liab Co

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 042

Class Status: Active

HOTEL, MOTEL AND HOTEL RESORT SERVICES

Basis: 1(a)

First Use Date: 1988-10-03

First Use in Commerce Date: 1988-10-03

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-10-05 - Attorney Revoked And/Or Appointed

2006-10-05 - TEAS Revoke/Appoint Attorney Received

2006-08-30 - Assignment Of Ownership Not Updated Automatically

2006-08-09 - Automatic Update Of Assignment Of Ownership

2001-01-05 - Response received to Post Registration action - Sections 8 & 9

2000-12-29 - Response received to Post Registration action - Sections 8 & 9

2000-10-16 - Post Registration action mailed - Section 8

2000-10-16 - First renewal 10 year

2000-10-16 - Section 9 granted/check record for Section 8

2000-10-16 - Post Registration action correction

2000-02-19 - Combined Section 8 (10-year)/Section 9 filed

1996-07-06 - Section 8 (6-year) accepted & Section 15 acknowledged

1996-01-25 - Section 8 (6-year) and Section 15 Filed

1990-04-10 - Registered - Principal Register

1989-05-09 - Published for opposition

1989-04-08 - Notice of publication

1989-02-10 - Approved for Pub - Principal Register (Initial exam)

1989-01-13 - Examiner's amendment mailed

1989-01-12 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

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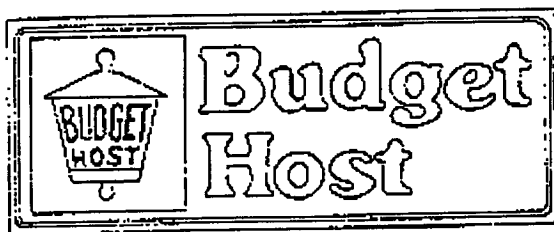
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Word Mark	BUDGET HOST
Goods and Services	IC 042. US 100. G & S: MOTEL SERVICES. FIRST USE: 19841200. FIRST USE IN COMMERCE: 19841200
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	07.13.02 - Advertising, signs, alone; Street signs not attached to a support 13.01.03 - Hurricane lamps; Lamps, hurricane; Lanterns (kerosene) 26.09.02 - Plain single line squares; Squares, plain single line 26.11.20 - Rectangles inside one another
Serial Number	73707323
Filing Date	January 25, 1988
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	March 28, 1989
Registration Number	1544937
Registration Date	June 20, 1989
Owner	(REGISTRANT) HOST ASSOCIATES, INC. DBA BUDGET HOST INNS CORPORATION TEXAS P.O. BOX 10656, CARAVAN SUITE 202 2601 JACKSBORO HIGHWAY FORT WORTH TEXAS 76114
Attorney of Record	ARTHUR F. ZOBAL
Prior Registrations	1172220
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BUDGET" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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Indicator** LIVE

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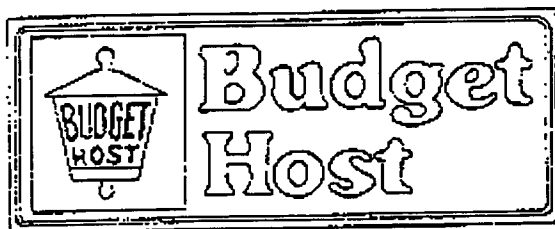
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Serial Number: 73707323 Assignment Information

Registration Number: 1544937

Mark



(words only): BUDGET HOST

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 1995-05-16

Filing Date: 1988-01-25

Transformed into a National Application: No

Registration Date: 1989-06-20

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

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Current Location: 900 -File Repository (Franconia)

Date In Location: 1995-06-27

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. HOST ASSOCIATES, INC.

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HOST ASSOCIATES, INC.
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FORT WORTH, TX 76114

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

GOODS AND/OR SERVICES

International Class: 042

Class Status: Active

MOTEL SERVICES

Basis: 1(a)

First Use Date: 1984-12-00

First Use in Commerce Date: 1984-12-00

ADDITIONAL INFORMATION

Disclaimer: "BUDGET"

Design Search Code(s):

07.13.02 - Advertising, signs, alone; Street signs not attached to a support

13.01.03 - Hurricane lamps; Lamps, hurricane; Lanterns (kerosene)

26.09.02 - Plain single line squares; Squares, plain single line

26.11.20 - Rectangles inside one another

Prior Registration Number(s):

1172220

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2002-08-06 - TEAS Change Of Correspondence Received

1995-05-16 - Section 8 (6-year) accepted & Section 15 acknowledged

1994-09-30 - Section 8 (6-year) and Section 15 Filed

1989-06-20 - Registered - Principal Register

1989-03-28 - Published for opposition

1989-02-24 - Notice of publication

1988-12-27 - Approved for Pub - Principal Register (Initial exam)

1988-05-27 - Non-final action mailed

1988-04-12 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
ARTHUR F. ZOBAL

Correspondent
ARTHUR F. ZOBAL
DECKER, JONES, MCMACKIN, MCCLANE ET AL
SUITE 2000
801 CHERRY STREET, UNIT #46
FORT WORTH TX 76102-6836
Phone Number: 817-336-2400
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Typed Drawing

Word Mark	AMERIHOST INN
Goods and Services	IC 042. US 100. G & S: hotel and motel services. FIRST USE: 19891104. FIRST USE IN COMMERCE: 19891104
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74075180
Filing Date	July 3, 1990
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	April 16, 1991
Registration Number	1650427
Registration Date	July 9, 1991
Owner	(REGISTRANT) AMERIHOST PROPERTIES, INC. CORPORATION DELAWARE Suite 280 2400 East Devon Avenue Des Plaines ILLINOIS 60018
	(LAST LISTED OWNER) CENDANT FINANCE HOLDING COMPANY LLC LTD LIAB CO DELAWARE 1 CAMPUS DRIVE PARSIPPANY NEW JERSEY 07054
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	SUSAN L CRANE
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INN" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20011004.
Renewal	1ST RENEWAL 20011004
Live/Dead Indicator	LIVE

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Serial Number: 74075180 Assignment Information

Registration Number: 1650427

Mark (words only): AMERIHOST INN

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2001-10-04

Filing Date: 1990-07-03

Transformed into a National Application: No

Registration Date: 1991-07-09

Register: Principal

Law Office Assigned: LAW OFFICE 8

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2001-10-04

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CENDANT FINANCE HOLDING COMPANY LLC

Address:

CENDANT FINANCE HOLDING COMPANY LLC

1 CAMPUS DRIVE

PARSIPPANY, NJ 07054

United States

Legal Entity Type: Ltd Liab Co

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 042

Class Status: Active

hotel and motel services

Basis: 1(a)

First Use Date: 1989-11-04

First Use in Commerce Date: 1989-11-04

ADDITIONAL INFORMATION

Disclaimer: "INN"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-11-27 - TEAS Change Of Correspondence Received

2006-11-28 - TEAS Change Of Correspondence Received

2006-08-30 - Assignment Of Ownership Not Updated Automatically

2006-08-09 - Automatic Update Of Assignment Of Ownership

2001-10-04 - First renewal 10 year

2001-10-04 - Section 8 (10-year) accepted/ Section 9 granted

2001-07-09 - Combined Section 8 (10-year)/Section 9 filed

1996-09-19 - Section 8 (6-year) accepted & Section 15 acknowledged

1996-07-15 - Section 8 (6-year) and Section 15 Filed

1991-07-09 - Registered - Principal Register

1991-04-16 - Published for opposition

1991-03-15 - Notice of publication

1990-12-19 - Approved for Pub - Principal Register (Initial exam)

1990-12-10 - Examiner's amendment mailed

1990-11-19 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
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Correspondent
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Parsippany NJ 07054
Phone Number: 973 753-6455
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Word Mark
Goods and Services

EHOST

IC 045. US 100 101. G & S: Hotel concierge services for others rendered through an electronic directory, namely, providing customer specific information to meet individual needs. FIRST USE: 20051012. FIRST USE IN COMMERCE: 20051012

IC 043. US 100 101. G & S: Electronic hotel guest services directory, namely providing online information, including customer specific information to meet individual needs, namely food room service information. FIRST USE: 20051012. FIRST USE IN COMMERCE: 20051012

IC 042. US 100 101. G & S: Electronic hotel guest services directory, namely providing online information, including customer specific information to meet individual needs, namely information in the field of local weather information. FIRST USE: 20051012. FIRST USE IN COMMERCE: 20051012

IC 041. US 100 101 107. G & S: Electronic hotel guest services directory, namely providing online information, including customer specific information to meet individual needs, namely information in the field of entertainment available in the area. FIRST USE: 20051012. FIRST USE IN COMMERCE: 20051012

IC 039. US 100 105. G & S: Electronic hotel guest services directory, namely providing online information, including customer specific information to meet individual needs, namely tourism information relevant to the area. FIRST USE: 20051012. FIRST USE IN COMMERCE: 20051012

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

26.01.21 - Circles that are totally or partially shaded.

Serial Number

78611995

Filing Date

April 19, 2005

Current Filing Basis

1A

Original Filing Basis

1B

Published for Opposition March 21, 2006
Registration Number 3245447
Registration Date May 22, 2007
Owner (REGISTRANT) Six Continents Hotels, Inc. CORPORATION DELAWARE Suite 100 Three Ravinia Drive
Atlanta GEORGIA 30346
Attorney of Record Albert Robin
Description of Mark The mark consists of the word "eHost" in stylized lettering whereas the letter "e" is within a black circle.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Serial Number: 78611995 Assignment Information

Registration Number: 3245447

Mark



(words only): EHOST

Standard Character claim: No

Current Status: Registered.

Date of Status: 2007-05-22

Filing Date: 2005-04-19

Transformed into a National Application: No

Registration Date: 2007-05-22

Register: Principal

Law Office Assigned: LAW OFFICE 110

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-04-19

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Six Continents Hotels, Inc.

Address:

Six Continents Hotels, Inc.
Suite 100 Three Ravinia Drive
Atlanta, GA 30346
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 039

Class Status: Active

Electronic hotel guest services directory, namely providing online information, including customer specific information to meet individual needs, namely tourism information relevant to the area

Basis: 1(a)

First Use Date: 2005-10-12

First Use in Commerce Date: 2005-10-12

International Class: 041

Class Status: Active

Electronic hotel guest services directory, namely providing online information, including customer specific information to meet individual needs, namely information in the field of entertainment available in the area

Basis: 1(a)

First Use Date: 2005-10-12

First Use in Commerce Date: 2005-10-12

International Class: 042

Class Status: Active

Electronic hotel guest services directory, namely providing online information, including customer specific information to meet individual needs, namely information in the field of local weather information

Basis: 1(a)

First Use Date: 2005-10-12

First Use in Commerce Date: 2005-10-12

International Class: 043

Class Status: Active

Electronic hotel guest services directory, namely providing online information, including customer specific information to meet individual needs, namely food room service information

Basis: 1(a)

First Use Date: 2005-10-12

First Use in Commerce Date: 2005-10-12

International Class: 045

Class Status: Active

Hotel concierge services for others rendered through an electronic directory, namely, providing customer specific information to meet individual needs

Basis: 1(a)

First Use Date: 2005-10-12

First Use in Commerce Date: 2005-10-12

ADDITIONAL INFORMATION

Description of Mark: The mark consists of the word "eHost" in stylized lettering whereas the letter "e" is within a black circle.

Design Search Code(s):

26.01.21 - Circles that are totally or partially shaded.

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-05-22 - Registered - Principal Register

2007-04-03 - Law Office Registration Review Completed

2007-04-03 - Assigned To LIE

2007-03-12 - Allowed for Registration - Principal Register (SOU accepted)

2007-02-22 - Statement of use processing complete

2006-12-13 - Amendment to Use filed

2006-12-13 - TEAS Statement of Use Received

2006-06-13 - Notice of allowance - mailed

2006-03-21 - Published for opposition

2006-03-01 - Notice of publication

2006-02-07 - Law Office Publication Review Completed

2006-02-03 - Assigned To LIE

2006-01-27 - Approved for Pub - Principal Register (Initial exam)

2006-01-26 - Teas/Email Correspondence Entered

2006-01-16 - Communication received from applicant

2006-01-16 - TEAS Response to Office Action Received

2005-12-19 - NON-FINAL ACTION E-MAILED

2005-12-19 - Non-Final Action Written

2005-08-12 - NON-FINAL ACTION E-MAILED

2005-08-12 - Non-Final Action Written

2005-07-13 - Amendment From Applicant Entered

2005-07-05 - Communication received from applicant

2005-07-05 - PAPER RECEIVED

2005-05-06 - Non-final action e-mailed

2005-05-06 - Non-Final Action Written

2005-05-06 - Assigned To Examiner

2005-04-27 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Albert Robin

Correspondent

ALBERT ROBIN

COWAN, LIEBOWITZ & LATMAN PC

1133 AVENUE OF THE AMERICAS

NEW YORK, NY 10036-6710

Phone Number: 212-790-9200

Fax Number: 212-575-0671



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HOST OF THE COAST

Word Mark	HOST OF THE COAST
Goods and Services	IC 045. US 100 101. G & S: SOCIAL CLUB SERVICES. FIRST USE: 20000000. FIRST USE IN COMMERCE: 20000000
	IC 043. US 100 101. G & S: HOTEL SERVICES AND RESTAURANT SERVICES. FIRST USE: 20030100. FIRST USE IN COMMERCE: 20030100
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78431942
Filing Date	June 8, 2004
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	March 20, 2007
Owner	(APPLICANT) International Bay Clubs, Incorporated CORPORATION CALIFORNIA 1221 West Coast Highway Newport Beach CALIFORNIA 92663
Attorney of Record	LeRoy T. Rahn
Type of Mark Register	SERVICE MARK PRINCIPAL
Other Data	Subject to Concurrent Use Proceeding with U.S. Registration No. 2836154, Applicant claims the exclusive right to use the mark in the area comprising the States of California, Nevada, Arizona, New Mexico, Utah, Colorado, Washington and Oregon.
Live/Dead	

Indicator LIVE

TESS HOME

NEW USER

STRUCTURED

FREE FORM

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Serial Number: 78431942 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

HOST OF THE COAST

(words only): HOST OF THE COAST

Standard Character claim: Yes

Current Status: Applicant has filed a request for issuance of a concurrent use registration and the proceeding is pending before the Trademark Trial and Appeal Board.

Date of Status: 2007-03-20

Filing Date: 2004-06-08

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 107

Attorney Assigned:
HAN DAWN L Employee Location

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-02-14

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. International Bay Clubs, Incorporated

Address:

International Bay Clubs, Incorporated
1221 West Coast Highway
Newport Beach, CA 92663
United States

Legal Entity Type: Corporation
State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 043
Class Status: Active
HOTEL SERVICES AND RESTAURANT SERVICES
Basis: 1(a)
First Use Date: 2003-01-00
First Use in Commerce Date: 2003-01-00

International Class: 045
Class Status: Active
SOCIAL CLUB SERVICES
Basis: 1(a)
First Use Date: 2000-00-00
First Use in Commerce Date: 2000-00-00

ADDITIONAL INFORMATION

Concurrent Use: Subject to Concurrent Use Proceeding with U.S. Registration No. 2836154, Applicant claims the exclusive right to use the mark in the area comprising the States of California, Nevada, Arizona, New Mexico, Utah, Colorado, Washington and Oregon.

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-03-20 - Published for opposition
2007-02-28 - Notice of publication
2007-02-06 - Law Office Publication Review Completed
2007-02-03 - Assigned To LIE
2007-01-03 - Approved for Pub - Principal Register (Initial exam)
2006-12-12 - Examiner's Amendment Entered
2006-12-12 - EXAMINERS AMENDMENT E-MAILED
2006-12-12 - Examiners Amendment -Written
2006-11-16 - Continuation of final refusal e-mailed
2006-11-16 - Action Continuing A Final - Completed

2006-11-08 - Amendment From Applicant Entered
2006-08-22 - Communication received from applicant
2006-08-22 - PAPER RECEIVED
2006-09-07 - Jurisdiction Restored To Examining Attorney
2006-05-02 - Ex parte appeal - Instituted
2006-02-14 - Assigned To Examiner
2005-11-15 - Final refusal e-mailed
2005-11-15 - Final Refusal Written
2005-10-27 - Previous allowance count withdrawn
2005-10-24 - Withdrawn From Pub - Og Review Query
2005-09-28 - Law Office Publication Review Completed
2005-09-28 - Assigned To LIE
2005-09-19 - Approved for Pub - Principal Register (Initial exam)
2005-09-09 - Amendment From Applicant Entered
2005-09-02 - Communication received from applicant
2005-09-02 - PAPER RECEIVED
2005-06-18 - NON-FINAL ACTION E-MAILED
2005-06-18 - Non-Final Action Written
2005-06-03 - Amendment From Applicant Entered
2005-05-24 - Communication received from applicant
2005-05-24 - PAPER RECEIVED
2005-01-08 - Non-final action e-mailed
2005-01-08 - Non-Final Action Written
2005-01-08 - Assigned To Examiner
2004-06-15 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

LeRoy T. Rahn

Correspondent

LeRoy T. Rahn

Christie, Parker & Hale, LLP

Post Office Box 7068

Pasadena, CA 91109-7068

Phone Number: (626)795-9900

Fax Number: (626)577-8800

Applicant: Host Hotels & Resorts, L.P.
Serial Number: 76658473
Filing Date: April 14, 2006
Mark: HOST HOTELS & RESORTS

Examining Atty: William Rossman
Law Office: Law Office 109

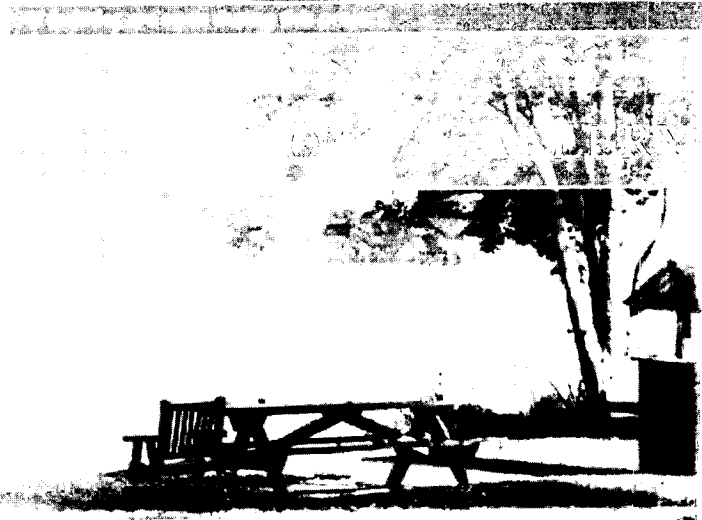
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Atlantic Host Inn, Bathurst



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Inn/Chalet Additional Property Description - The Atlantic Host Inn Continues... [more](#)

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| 3 | Le Chateau Bathurst | \$69 |
| 4 | The Rosewood Inn | |

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Support Staff

Michael V. Harrell - Chairman of the Board and Chief Executive Officer

Michael Harrell spearheads the company's growth and profitability. With a strong commitment to the Vista Host vision and mission, he is responsible for the company's long-term growth strategy and dynamic positioning in the hospitality industry. He began his career at the nuts and bolts level of hotel management in 1961. In 1970, he became a partner of Lufkin Properties with five hotels, later merging the company with Servico, Inc., a publicly held hotel development and management company. During his tenure as Executive Vice President and Chief Operating Officer of Servico, the number of company owned and operated hotels increased from 16 to 33. In 1977, Harrell formed Vista Host to manage five hotels being acquired by Harrell and his investment partners. Harrell is active in the hospitality industry, serving on the Board for the International Association of Holiday Inns (IAHI) from 1981-1988 and as President from 1984-1985, he continues to serve on the IAHI Past Presidents Council and is a member of the Hilton Advisory Board for Hampton Inns. Harrell received a B.S. degree from the University of Evansville in Evansville, Indiana.

Kathie A. Long - Senior Vice President and Chief Financial Officer

Kathie Long is responsible for the coordination of all accounting, budgeting, financial and administrative functions for the company. In addition, she is responsible for negotiating management contracts, refinancing, acquisition and sales of hotels. Her experience before joining Vista Host in 1989, included nine years in public accounting and three years in the hospitality industry as Controller/Treasurer for a publicly held company. Long is a member of the American Institute of Certified Public Accountants, and Texas Society of Certified Public Accountants. She is a graduate of Memphis State University with a B.B.A. in Accounting.

Rick Krueger, C.H.A. - Senior Vice President of Operations

Rick Krueger joined Vista Host in 1981 and has served the company in every aspect of hotel operations. Starting as a line level associate in Pensacola, Florida, he worked his way through various middle management and General Management positions before serving as a Regional Director of Operations in the Pittsburgh, PA area where Vista Host operated 9 hotels. With nearly 20 years of multi-unit management, Krueger now operates out of the Houston Support Office. As Senior Vice President of Operations, he is responsible for overseeing all aspects of both operations and sales across all Vista Host hotels.

Nancy Spoltore - Vice President of Operations

Nancy Spoltore started with Vista Host in 1990 as a General Manager and later as Area Manager in Dallas. As Vice President of Operations, Spoltore, operates out of a regional office in Nashville and she has been responsible for properties which include franchise operations of, Hampton Inns, Hampton Inn & Suites, Fairfield Inn & Suites, Homewood Suites and Comfort Suites. Previous positions included Regional Manager with Security Capital Group in the development, opening and overseeing the operations of eight Homestead Guest Suites. Spoltore has a B. S. degree in Hotel and Restaurant Administration from the University of

Southern Mississippi.

Paul Horn - Vice President of Construction

The Vista Host Vice President of Construction is Paul Horn. Paul joined the Vista Host team in April of 1990 and has since traveled extensively across the country overseeing construction projects. These projects include 18 major renovations, 16 hotel brand name conversions, and the opening of 19 new hotels. Paul has extensive knowledge of the standards for nine different hotel brands. Other contributions to the Vista Host team include compiling the Vista Host Architectural Standards. Paul is also available for trouble-shooting problems at any of the Vista Host properties. Paul is home-based from his residence in Pensacola, FL and works from there.

Marc A. Zalaznick - Director of Revenue Management

Marc Zalaznick joined Vista Host in 1994 as a Guest Service Manager of an Independent hotel located in Claremont, CA. He also served as Assistant General Manager for Holiday Inn hotels located in Maryland and New Jersey. Marc was promoted to General Manager of the Hampton Inn BWI in 1996. In 2001, Marc assumed the position of Director of Revenue Management. Currently, Marc has oversight for all aspects of Revenue Management for Vista Host hotels and is fully trained and well versed in the operation of all Franchise Reservations and Revenue Maximization programs. Marc graduated from Brockport State University with a BPS in Therapeutic Recreation and a minor in Psychology and attended hospitality classes at Mesa Community College AZ.

Joe Viglietta - Regional Director of Operations

Joe Viglietta joined Vista Host in 1999 as a General Manager. After quickly moving to an Area Manager position, he was promoted to his current position of Regional Director where he oversees the company's east coast hotels stretching from New Hampshire to South Florida. Viglietta is responsible for the operations and overall sales efforts of the hotels in this portfolio. In addition to his regional accountabilities, Joe heads the company's service focus initiative. This involves working with our third party vendors that specialize in delivering exceptional guest service as well as our own industry leading Service Coaches program. Based out of his home office in Indianapolis, Joe is usually on-site at one of the hotels he oversees. He is a graduate of Notre Dame University and holds a B.A. in Marketing.

Bob Northup - Regional Director of Operations

Bob Northup joined Vista Host in 1990 as the General Manager of the Hampton Inn Minnetonka (Minneapolis), Minnesota. After serving three years in this position, Bob was promoted to General Manager of the Holiday Inn Muscatine, Iowa where he received the coveted Pinnacle Award recognizing his hotel for superior customer service. In 1997, Bob was once again promoted to General Manager of the Hampton Inn and Suites at the University in Nashville, Tennessee where he earned the Vista Host General Manager of the Year award in 1998 and the Hotel of the Year award in 1999. Prior to joining Vista Host Bob began his hospitality career with Cncket Inns, where he was an Innkeeper and with Days Inns of America where he spent 8 years operating several hotels. Bob has a B.S. in Business Administration and a minor in Economics from the University of Minnesota.

Roland Rodriguez - MIS Director

Roland joined Vista Host in 1991 as Computer Services Manager with experience in software development. As MIS Director, Roland manages the efforts of the MIS department for Vista Host. The MIS department is responsible for the corporate reporting systems, communication systems and network administration of the Houston support office. Roland also oversees the general support of computer hardware and software in the back office areas of the Vista Host hotels.

Melissa Delaney - Director of Purchasing

Melissa is responsible for coordinating and purchasing furniture, fixtures, and equipment for properties under renovation, as well as new construction. She assists with ongoing daily property requirements and interfaces with the Vice Presidents of Operations on property capital improvements. Delaney joined Vista Host in 1992 with prior experience in the hotel industry and accounting field.

[^ top of page](#)

Vista Host Inc.

10370 Richmond Avenue, Suite 150 • Houston, Texas 77042

Phone (713) 267-5800 • Fax (713) 267-5820

Website & Marketing: L.E.T. Group

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Rooms
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by A Yahoo! Contributor
The management was extremely rude and did not hesitate to use foul language in front of small children. I would not recommend this establish... [more](#)

★★★★★
It was pretty, pretty good!!!!!!
by matthew_romanczyk
That's what I was thinking about. The hotel was excellent. The service was always on time, and the rooms were very clean even better than... [more](#)

★★★★★
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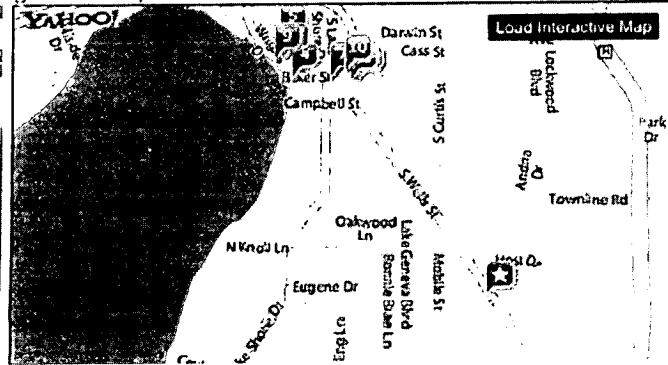
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Budget Host Diplomat Motel - Lake Geneva, WI
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Check In Date

8/17/2007

Check Out Date

8/20/2007

Adult Child Rooms

2 0 1

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59 Route 28
Cape Cod
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United States



Check-In: 2 PM
Rooms: 70

Check-Out: 11 AM
Floors: 2

**Property Room(s)**Deluxe 2 Doubles - [View Amenities](#)

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Flagship Hotel
by H-TownJourneyman

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 Satisfaction: ☐ ☐ ☐

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Views are great. but only stay here if the temperatures are really hot or really cold. I wouldn't recommend staying here if the temperatures are somewhere inbetween. each room has its own balcony if you would call it that.

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Theme: Hotel

Price: US\$80-120 [Currency Converter](#)

Comparison: more expensive than average

Phone: 800.392.6542

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Flagship Hotel

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Lancaster Host Hotel

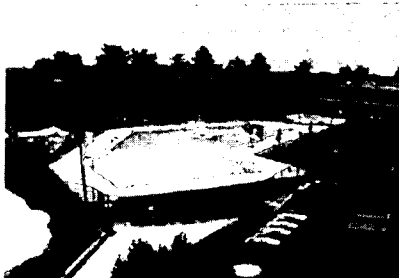
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Overview

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Rooms renovated in 2007 the Lancaster Host Hotel is located across from Dutch Wonderland and American Music Theater. Outlet shopping is 1/4 mile from the Host and Amish Country is only 4 miles. The Lancaster Host Resort features an 18 hole championship golf course. In November 2006, the Lancaster Host Golf Course was voted one of the best places to play golf by readers of "Golf Digest". Many recreation options are on site, including an indoor and outdoor swimming pools, tennis, volleyball, shuffleboard, children's sandbox, miniature golf, jacuzzi whirlpool, two mile walking/biking path and basketball. The hotel offers 60,000 square feet of flexible event space.


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Reviews from our users

Overall score

3.0

out of 5

(2 reviews)

Amenities	1 2 3 4 5
Maintenance	
Hotel Staff	
Room Comfort	
Location	
Value	

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*rate found for check-in Aug 9, check-out Aug 10

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08/09/07

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08/10/07

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1 Total guests in all rooms

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Applicant: Host Hotels & Resorts, L.P.
Serial Number: 76658473
Filing Date: April 14, 2006
Mark: HOST HOTELS & RESORTS

Examining Atty: William Rossman
Law Office: Law Office 109

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host

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definitive host	<input type="button" value="Go"/>

Main Entry: ³host

Function: *noun*

Etymology: Middle English *hoste* host, guest, from Anglo-French, from Latin *hospit-*, *hospes*, probably from *hospis*

1 a : one that receives or entertains guests socially, commercially, or officially **b** : one that provides facilities for an event or function <our college served as *host* for the basketball tournament>

2 a : a living animal or plant on or in which a parasite lives **b** : the larger, stronger, or dominant member of a commensal or symbiotic pair **c** : an individual into which a tissue, part, or embryo is transplanted from another

3 : a mineral or rock that is older than the minerals or rocks in it, *also* : a substance that contains a usually small amount of another substance incorporated in its structure

4 : a radio or television emcee

5 : a computer that controls communications in a network or that administers a database, *also* : SERVER **6**

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host¹  [hohst] Pronunciation Key - Show IPA Pronunciation

noun

1. a person who receives or entertains guests at home or elsewhere:
the host at a theater party.
 2. a master of ceremonies, moderator, or interviewer for a television or radio program.
 3. a person, place, company, or the like, that provides services, resources, etc., as for a convention or sporting event: *Our city would like to serve as host for the next Winter Olympics.*
 4. the landlord of an inn.
 5. a living animal or plant from which a parasite obtains nutrition.
 6. *Surgery.* the recipient of a graft. Compare DONOR (def. 2).
- verb (used with object)
7. to be the host at (a dinner, reception, etc.): *He hosted a reception for new members.*
 8. to act as host to: *The vice president hosted the foreign dignitaries during their visit.*
 9. to act as master of ceremonies, moderator, or interviewer for: *to host a popular talk show.*
- verb (used without object)
10. to perform the duties or functions of a host.

[Origin: 1250-1300; ME (*hōste(n)*) < MF < L *hospitā* (s. of *hospes*) *host*

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guest, stranger, perh. < **hosti-pot(h)s* or **hos-pot(h)s*, equiv. to *hos(t)-* comb. form of *hostis* stranger (see *HOST*²) + *-pot(h)s*, akin to *potis* having the power to, *posse* to be able (see *POTENT*) (hence, "one granting hospitality, one in charge of guests"); cf., with different initial elements, Gk *despótēs* master, *DESPOT*, Lith *viėšpats* lord]

— *Related forms*
hostless, *adjective*
hostship, *noun*

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host²  [hohst] [Pronunciation Key](#) - [Show IPA Pronunciation](#)

noun

1. a multitude or great number of persons or things: *a host of details*.
2. an army.


[Origin: 1250–1300; ME (*h*)*oste* < OF < L *hostis* stranger, enemy; akin to *GUEST*]

Synonyms 1. swarm, crowd, drove, throng, horde, myriad.

Dictionary.com Unabridged (v 1.1)

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Host  [hohst] [Pronunciation Key](#) - [Show IPA Pronunciation](#)

noun Ecclesiastical.


the bread or wafer consecrated in the celebration of the Eucharist.

[Origin: 1275–1325; ME *hoste* < LL *hostia* Eucharistic wafer (L: victim, sacrifice); r. ME *oyst* < MF *oiste* < LL, as above.]

Dictionary.com Unabridged (v 1.1)

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host¹  (hōst) [Pronunciation Key](#)

n.


1. One who receives or entertains guests in a social or official capacity.
2. A person who manages an inn or hotel.
3. One that furnishes facilities and resources for a function or event: *the city chosen as host for the Olympic Games*.
4. The emcee or interviewer on a radio or television program.
5. *Biology* The animal or plant on which or in which another organism lives.
6. *Medicine* The recipient of a transplanted tissue or organ.
7. *Computer Science* A computer containing data or programs that another computer can access by means of a network or modem.

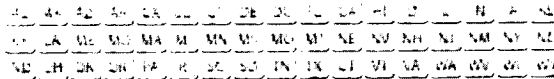
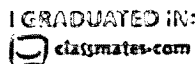
tr.v. **host**·ed, **host**·ing, **hosts** *Usage Problem*

To serve as host to or at: *"the garden party he had hosted last spring" (Saturday Review).*

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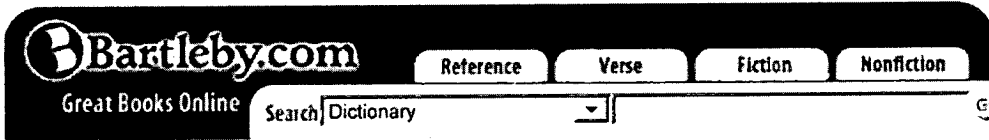
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host²

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The American Heritage® Dictionary of the English Language: Fourth Edition. 2000.



PRONUNCIATION: hōst

NOUN: 1. One who receives or entertains guests in a social or official capacity. 2. A person who manages an inn or hotel. 3. One that furnishes facilities and resources for a function or event: *the city chosen as host for the Olympic Games*. 4. The emcee or interviewer on a radio or television program. 5. *Biology* The animal or plant on which or in which another organism lives. 6. *Medicine* The recipient of a transplanted tissue or organ. 7. *Computer Science* A computer containing data or programs that another computer can access by means of a network or modem.

TRANSITIVE Inflected forms: **host·ed**, **host·ing**, **hosts**

VERB: *Usage Problem* To serve as host to or at: "*the garden party he had hosted last spring*" (Saturday Review).

ETYMOLOGY: Middle English, host, guest, from Old French, from Latin *hospes*, *hospit-*. See *ghos-ti-* in Appendix I.

OTHER FORMS: **host'ly** —ADJECTIVE

USAGE NOTE: *Host* was used as a verb in Shakespeare's time, but this usage was long obsolete when the verb was reintroduced (or perhaps reinvented) in recent years to mean "perform the role of a host." The usage occurs particularly in contexts relating to institutional gatherings or television and radio shows, where the person performing the role of host has not personally invited the guests. Perhaps because the verb involves a suspect extension of the traditional conception of hospitality, it initially met with critical resistance. In a 1968 survey only 18 percent of the Usage Panel accepted the usage in the sentence *The Cleveland chapter will host this year's convention*. Over time, however, the usage has become increasingly well established and has the useful purpose of describing the activities of one who performs the ceremonial or practical role of a host, as in arranging a conference or welcoming guests. In our 1986 survey, 53 percent of the Panelists accepted the usage in the phrase *a reception hosted by the Secretary of State*. The verb is less well accepted when it is used to describe the role of a performer who acts as a master of ceremonies for a broadcast or film, where the relation of the word to the notion of "hospitality" is stretched still further.

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host² ✓

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Master of Science in Nursing
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ASSOCIATE'S DEGREES

Applicant: Host Hotels & Resorts, L.P.
Serial Number: 76658473
Filing Date: April 14, 2006
Mark: HOST HOTELS & RESORTS

Examining Atty: William Rossman
Law Office: Law Office 109

Exhibit D

1,305,767. 2006/06/19. NewSolve Corporation, a corporation incorporated under the Canada Business Corporations Act., 44 Barbour Crescent, Ajax, ONTARIO L1S 6Z6 Representative for Service/Représentant pour Signification: MILLER THOMSON LLP, SCOTIA PLAZA, 40 KING STREET WEST, SUITE 5800, P.O. BOX 1011, TORONTO, ONTARIO, M5H3S1

NEWSOLVE

WARES: Computer software, namely, software for business process, business program and business project management; software for storing, archiving, and retrieving business information and data stored on an electronic database; software for website creation and website content management; e-commerce software to allow users to perform electronic business transactions via global computer network. **SERVICES:** (1) Analysis, design, development, integration and maintenance of computer software, namely, analysis, design, development, integration and maintenance of software for business process, business program and business project management; document and information management, storage, archival and retrieval; website creation and website content management services. (2) Consultation services on the analysis, design, development, integration and maintenance of computer software. (3) Education and training, namely organizing and holding conferences, workshops, on-line seminars and practical training (demonstration) on the installation, deployment, administration, on-going management and customization of software developed by the applicant. (4) Consultation services namely business management and technical consultation in the field of computer software services. (5) Program and project management services, namely, program and project management services related to information technology programs and projects. Used in CANADA since November 01, 1999 on wares and on services (1), (2), (3), (4); May 01, 2003 on services (5).

MARCHANDISES: Logiciels, nommément logiciels pour la gestion des processus d'entreprise, des programmes d'entreprise et des projets d'entreprise; logiciels pour le stockage, l'archivage et la récupération de renseignements commerciaux et de données stockés dans une base de données; logiciels pour la création de sites web et la gestion de contenu web; logiciels de commerce électronique permettant aux utilisateurs d'effectuer des transactions commerciales électroniques sur un réseau informatique mondial. **SERVICES:** (1) Analyse, conception, développement, intégration et maintenance de logiciel, nommément analyse, conception, développement, intégration et maintenance de logiciel de gestion des processus d'entreprise, des programmes d'entreprise et des projets d'entreprise; gestion, stockage, archivage et récupération de documents et d'information; services de création de sites web et de gestion de contenu web (2) Services de conseil sur l'analyse, la conception, le développement, l'intégration et la maintenance de logiciels. (3) Enseignement et formation, nommément organisation et tenue de conférences, d'ateliers, de séminaires en ligne et de formation pratique (démonstration) sur l'installation, la mise en oeuvre, l'administration, la gestion continue et la personnalisation de logiciels développés par le requérant. (4) Services de conseil

nommément gestion d'entreprise et consultation technique dans le domaine des services logiciels (5) Services de gestion de programmes et de projets, nommément services de gestion de programmes et de projets liés aux programmes et projets en technologies de l'information. Employée au CANADA depuis 01 novembre 1999 en liaison avec les marchandises et en liaison avec les services (1), (2), (3), (4). 01 mai 2003 en liaison avec les services (5).

1,305,784. 2006/06/16. N. Ranga Rao & Sons (a partnership organized and existing under the laws of India), 1553 Vanivilasa Road, Mysore, 570 004, INDIA Representative for Service/Représentant pour Signification: OSLER, HOSKIN & HARCOURT LLP, SUITE 1500, 50 O'CONNOR STREET, OTTAWA, ONTARIO, K1P6L2



The right to the exclusive use of the word INCENSE is disclaimed apart from the trade-mark.

WARES: Incense sticks. Used in CANADA since at least as early as May 28, 2005 on wares.

Le droit à l'usage exclusif du mot INCENSE en dehors de la marque de commerce n'est pas accordé.

MARCHANDISES: Bâtonnets d'encens. Employée au CANADA depuis au moins aussi tôt que le 28 mai 2005 en liaison avec les marchandises

1,305,789. 2006/06/16. HOST HOTELS & RESORTS, L.P., 6903 Rockledge Drive, Bethesda Maryland 20817, UNITED STATES OF AMERICA Representative for Service/Représentant pour Signification: ROBIC, CENTRE CDP CAPITAL, 1001, SQUARE-VICTORIA, BLOC E - 8E ETAGE, MONTRÉAL, QUÉBEC, H2Z2B7



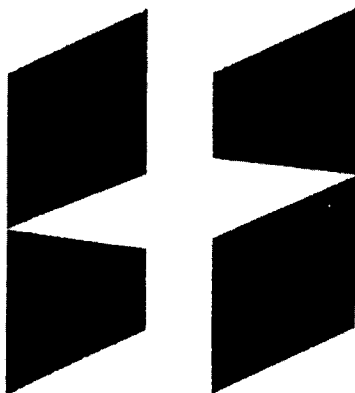
The right to the exclusive use of the words HOTELS & RESORTS is disclaimed apart from the trade-mark

SERVICES: Real estate investment trust services; investment services, namely asset management services in the nature of management of real estate, hotels, resorts, and lodging properties. Used in CANADA since at least as early as April 17, 2006 on services. Priority Filing Date: April 14, 2006. Country: UNITED STATES OF AMERICA, Application No: 76-658473 in association with the same kind of services.

Le droit à l'usage exclusif des mots HOTELS & RESORTS en dehors de la marque de commerce n'est pas accordé.

SERVICES: Services de fonds de placement immobilier; services de placement, nommément services de gestion d'actif, en l'occurrence, gestion de biens immobiliers, d'hôtels, de centres de villégiature et de propriétés d'hébergement. Employée au CANADA depuis au moins aussi tôt que le 17 avril 2006 en liaison avec les services. Date de priorité de production: 14 avril 2006, pays: ÉTATS-UNIS D'AMÉRIQUE, demande no: 76-658473 en liaison avec le même genre de services.

1,305,791. 2006/06/16. HOST HOTELS & RESORTS, L.P., 6903 Rockledge Drive, Bethesda Maryland 20817, UNITED STATES OF AMERICA Representative for Service/Représentant pour Signification: ROBIC, CENTRE CDP CAPITAL, 1001, SQUARE-VICTORIA, BLOC E - 8E ETAGE, MONTRÉAL, QUÉBEC, H2Z2B7



SERVICES: Real estate investment trust services; investment services, namely asset management services in the nature of management of real estate, hotels, resorts, and lodging properties. Used in CANADA since at least as early as April 17, 2006 on services. Priority Filing Date: April 14, 2006. Country: UNITED STATES OF AMERICA, Application No: 76-658499 in association with the same kind of services.

SERVICES: Services de fonds de placement immobilier; services de placement, nommément services de gestion d'actif, en l'occurrence, gestion de biens immobiliers, d'hôtels, de centres de villégiature et de propriétés d'hébergement. Employée au CANADA depuis au moins aussi tôt que le 17 avril 2006 en liaison avec les services. Date de priorité de production: 14 avril 2006, pays: ÉTATS-UNIS D'AMÉRIQUE, demande no: 76-658499 en liaison avec le même genre de services.

1,305,797. 2006/06/16. Design Group Staffing Inc., 2380 Commerce Place, 10155 - 102 Street, Edmonton, ALBERTA T5J 4G8 Representative for Service/Représentant pour Signification: GOODMAN'S LLP, ATTN: INTELLECTUAL PROPERTY GROUP, 250 YONGE STREET, SUITE 2400, TORONTO, ONTARIO, M5B2M6



The right to the exclusive use of TEMP and .CA is disclaimed apart from the trade-mark.

SERVICES: Contract staffing services and temporary staffing services. Proposed Use in CANADA on services.

Le droit à l'usage exclusif de TEMP et .CA en dehors de la marque de commerce n'est pas accordé.

SERVICES: Services de recrutement de personnel contractuel et services de recrutement de personnel temporaire. Emploi projeté au CANADA en liaison avec les services.

1,305,803. 2006/06/16. J.D. Sweid Ltd., 9696 - 199A Street, Langley, BRITISH COLUMBIA V1M 2X7 Representative for Service/Représentant pour Signification: ROGER A. C. KUYPERS, (FASKEN MARTINEAU DUMOULIN LLP), 2100 - 1075 WEST GEORGIA STREET, VANCOUVER, BRITISH COLUMBIA, V6E3G2



JD·SWEID
FOODS
SINCE 1917

The right to the exclusive use of the word FOODS is disclaimed apart from the trade-mark.

SERVICES: Retail and wholesale services, namely, food processing, manufacturing, retailing and distribution of prepared food products. Proposed Use in CANADA on services.

Le droit à l'usage exclusif du mot FOODS en dehors de la marque de commerce n'est pas accordé.

SERVICES: Services de vente au détail et de vente en gros, nommément transformation des aliments, fabrication, vente au détail et distribution d'aliments préparés. Emploi projeté au CANADA en liaison avec les services.

ROBIC

+ LAW
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The Registrar
Canadian Intellectual Property Office
Trade-Marks Office
EXAMINATION DIVISION
Place du Portage, Room C-114
50 Victoria Street
Gatineau, Quebec
K1A 0C9

Attention: Ms. Iyana Goyette, Examiner

Trade-mark : **HOST HOTELS & RESORTS (& DESIGN)**
Application : 1305789
Applicant : **HOST HOTELS & RESORTS, L.P.**
O/Ref. : 003549-0014 LC/KPO



We refer to the Office action of December 19, 2006 with respect to the above mentioned trade-mark application and would like to make the following observations regarding the objections raised therein.

First, we enclose herewith a revised application in which we have respecified the objected services. We also introduce a disclaimer of the words "HOTELS & RESORTS".

In the report, the Examiner was of the opinion that the above-cited trade-mark application (no. 1305789) is confusing with the registered trade-mark ROYAL HOST (TMA539452). We respectfully submit that this objection should be withdrawn for the following reasons:

Trade-marks must be taken in their entirety

As a preliminary to the analysis of the criteria of subsection 6(5) of the *Trade-Marks Act*, it is important to note that trade-marks are to be looked at as totalities and not as dissected items. As to this point, reference can be made to Harold G. Fox in his *Canadian Law of Trade-Marks and Unfair Competition*, 3rd ed. (Toronto, Carswell, 1972), at pages 167-9 (footnotes omitted):

In applying these tests the first principles to be invoked is that the marks are to be looked at as totalities and not as dissected items. The idea of each mark, that is, the net impression left by the mark as a whole upon the mind is to be considered. It is the mark taken in its entirety that it is to be examined and a decision then arrived at whether such mark is likely to cause confusion with one already registered.

[...] The true test is whether the totality of the mark proposed to be registered is such that is likely to cause mistake or deception or confusion in the minds of persons accustomed to the existing trade mark. It is the combination of the marks as a whole that is to be regarded and the effect or idea of the whole that is compared.

As to this criteria, reference can also be made to the commentaries of Desjardins J. in the case *Park Avenue Furniture Corp. v. Wickes/Simmons Bedding Ltd.* (1991), 37 C.P.R. (3d) 413 (F.C.A.) at page 426.

Taken in their entirety, the applicant's mark HOST HOTELS & RESORTS (& DESIGN) and the cited mark ROYAL HOST could not be considered as confusing only because they share one common element, that is, the suffix "HOST". The marks must be considered in their entirety and the trap relating to dissection analysis must be avoided.

To that effect, we refer to the comments formulated by Justice Jerome in the case *John E. Fetzer Inc. v. Tiger Brand Knitting Co. Ltd. et al* (1990), 26 C.P.R. (3d) 551 (F.C.T.D.). In this case, the mark DETROIT TIGERS (& design) was held not to be confusing with the mark TIGER BRAND for similar wares:

Use by two marks of a generic terms such as "apple" or "tiger" is not enough to result in confusion...the singular common element here is the word "tiger" and so long as this is the only similarity and there are other distinguishing features in the competing marks, the protection of the statute cannot be invoked. By separating the word "tiger", the opposition chairman ignored other elements of the marks and fell into the trap of dissection analysis (p. 555). (Our underlining)

In determining whether the trade-marks are confusing, it is the degree of resemblance between the trade-marks in appearance or sound or in the idea suggested by them that is to be considered, as set out in subsection 6(5) of the *Trade-Marks Act*.

With regards to the differences in the ideas suggested, the trade-mark ROYAL HOST suggests that the "host" is of royal descent and that you will be treat as a king or queen when lodging at their hotel.

Consequently, we submit that the differences in the trade-marks HOST HOTELS & RESORTS (& DESIGN) and ROYAL HOST in overall appearance, pronunciation, ideas suggested and including the term HOST positioned at different places in the trade-marks, are considered sufficient to avoid any likelihood of confusion.

For all these reasons, we respectfully submit that the Examiner's objection based on confusion with the registration No. TMA539,452 should be withdrawn.

May we remind the Examiner that any doubt concerning the registrability of the applied for trade-mark must be resolved in favour of the applicant, pursuant to subsection 37(3).

We shall await for the confirmation that the above-mentioned trade-mark has been allowed for publication and, in the meantime, we remain,

Yours very truly,



ROBIC
Trade-Marks Agents
And attorneys for the Applicant
(no 4779)
/cpo

Encl.

**REVISED APPLICATION FOR REGISTRATION OF A TRADE-MARK
USED IN CANADA**

The Registrar
Canadian Intellectual Property Office
Trade-marks Office
Examination or Formalities
Place du Portage I, Room C-114
50 Victoria Street
Gatineau, Quebec
K1A 0C9

1. The undersigned,

HOST HOTELS & RESORTS, L.P.

the full post office address of whose principal office or place of business is:

6903 Rockledge Drive
Bethesda Maryland 20817
UNITED STATES OF AMERICA

hereby applies for the registration, in accordance with the provisions of the Trade-Marks Act, of the trade-mark identified below.

2. The trade-mark is shown in the attached drawing:



2a. The applicant disclaims the right to the exclusive use of the words HOTELS & RESORTS apart from the trade-mark.

3. The trade-mark has been used in Canada by the applicant or his predecessor in title: HOST MARRIOTT, L.P. in association with all the services mentioned hereafter, and the applicant requests registration in respect of such services. The trade-mark has been so used in Canada, in association with the general class of services comprising the following:

Real estate investment trust services; investment services, namely asset management services in the nature of management of real estate, hotels, resorts, and lodging properties

since at least as early as April 17, 2006.

4. The applicant claims priority under Section 34 of the Act on the ground that an application for registration of the same or substantially the same trade-mark was filed by the predecessor in title of the applicant in or for UNITED STATES OF AMERICA on April 14, 2006 under No. 76-658473 and that such application was the earliest application filed in or for any country of the Union other than Canada by the applicant or any predecessor in title of the applicant for registration of the same or substantially the same trade-mark for use in association with the same kind of services as those set out above. At the date of this application, the predecessor in title of the applicant had a real and effective industrial or commercial establishment in the country aforesaid.

5. The applicant is satisfied that he is entitled to use the trade-mark in Canada in association with the services described above.

TMO1305789

-3-

6. The applicant appoints ROBIC whose full post office address is Centre CDP Capital, 1001 Victoria Square - Bloc E - 8th Floor, Montreal, Quebec, Canada H2Z 2B7, as its trade-mark agent and representative for service to which any notice in respect of the application or registration may be sent, and upon which service of any proceedings in respect of this application may be given or served with the same effects as if they had been given to or served upon the applicant.

EXECUTED AT MONTREAL this June 16, 2006.

AMENDED AT MONTREAL this April 11, 2007.

HOST HOTELS & RESORTS, L.P.

BY:


A handwritten signature in black ink, appearing to read "Robic", written in a cursive style.

ROBIC
Trade-Mark Agents and
Attorneys for the Applicant.
(No. 4779)
/cpo

Applicant: Host Hotels & Resorts, L.P.
Serial Number: 76658473
Filing Date: April 14, 2006
Mark: HOST HOTELS & RESORTS

Examining Atty: William Rossman
Law Office: Law Office 109

Exhibit E



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

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royal[2, noun]	<input type="button" value="Go"/>
battle royal	
coffee royal	
marshal of the Royal Air Force	
Princess Royal	

Main Entry: ¹**roy-al** 
Pronunciation: 'roi-(&)|
Function: *adjective*
Etymology: Middle English *roial*, from Anglo-French *real*, *roial*, from Latin *regalis*, from *reg-*, *rex* king, akin to Old Irish *rl* (genitive *rlg*) king, Sanskrit *rājan*, Latin *regere* to rule -- more at **RIGHT**
1 a : of kingly ancestry <the *royal* family> **b :** of, relating to, or subject to the crown <the *royal* estates> **c :** being in the crown's service <*Royal* Air Force>
2 a : suitable for royalty : **MAGNIFICENT** **b :** requiring no exertion : **EASY** <there is no *royal* road to logic -- Justus Buchler>
3 a : of superior size, magnitude, or quality <a patronage of *royal* dimensions -- J. H. Plumb> -- often used as an intensive <a *royal* pain> **b :** established or chartered by the crown
4 : of, relating to, or being a part (as a mast, sail, or yard) next above the topgallant - **roy-al-ly** 

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 A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

SEARCH

Paying Too Much For Auto Insurance?

ZIP code where you
park at night:

Do you currently have auto
insurance? ☐ Yes ☐ No

Have you had a U.S. driver's
license for more than 2 years? ☐ Yes ☐ No

Has any driver in your house-
hold had 2 or more accidents
or moving violations
in the last 2 years? ☐ Yes ☐ No

INSWEB

Can you boost the profitability
of your business?

Google

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Applicant: Host Hotels & Resorts, L.P.
Serial Number: 76658473
Filing Date: April 14, 2006

Mark: The logo for Host Hotels & Resorts, featuring a stylized 'H' icon above the word 'HOST' in a bold, sans-serif font, with 'HOTELS & RESORTS' in a smaller font below it.

Examining Atty: William Rossman, Esq.
Law Office: 109

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

REQUEST TO SUSPEND APPEAL

Applicant hereby requests suspension of all appeal proceedings, including Applicant's time for filing its appeal brief. TBMP §§ 1204 and 1209.

Applicant has filed a Request for Reconsideration of the Examining Attorney's final refusal of registration contemporaneously with Applicant's timely Notice of Appeal (including the required appeal fee of \$100).


Applicant respectfully requests that the Board suspend Applicant's time to file its appeal brief pending the Examining Attorney's review of the Request for Reconsideration. If the Examining Attorney maintains his refusal of registration,

Applicant requests an extension of time to file its appeal brief for a period of sixty (60) days from the date of the Board's resumption order.

Respectfully submitted,

HOST HOTELS & RESORTS, L.P.

Date: July 30, 2007

By: 

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